

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Home (Courts) Department – Sri V.Narasimha Swamy, Head Clerk (Retd.), District Court, Karimnagar – Punishment of 5% cut in pension on permanent basis – Orders – Issued.

LAW (LA&J-HOME-COURTS-D1) DEPARTMENT

G.O.Ms.No. 95

Dated: 01-07-2010.

Read the following:

- 1) From the Principal District & Sessions Judge, Karimnagar, letter Dis.No.124/PR.57/98/ADM/DCK, dated: 6-1-2006.
- 2) Government Memo.No.3326/Cts.D/D1/2006-3, dated: 21-05-2007.
- 3) From Sri V.Narasimha Swamy, Head Clerk (Retd.), PCR Court, Karimnagar, representation dated: 11-07-2007.

ORDER :

The Principal District & Sessions Judge, Karimnagar in the reference 1st read above has forwarded the proposal of Sri V.Narasimha Swamy, formerly Head Clerk of the Unit of District Judge, Karimnagar and stated that the Hon'ble High Court of Andhra Pradesh, in its notice dated:7-6-1994 has called for the material part of record in O.P.No.497 of 1990 pertaining to the District Court, Karimnagar, for reference in CMA No.509 of 1994 on its file. The said notice were received in Record Section of District Court, Karimnagar on 20-06-1994. But, Sri V.Narasimha Swamy, who was functioning as Record Keeper in District Court did not submit the same in time. The Hon'ble High Court of Andhra Pradesh, has issued reminder in its Letter.V.R.No.R1/97, dated: 13-11-1997 requesting to send the material records in the above O.P. stating that the records called for in the above case were not been received and thereby caused most inconvenience to the Hon'ble High Court of Andhra Pradesh, at the time of hearing the case, leading to the adjournment for want of records. Therefore, the District Court in Memo.Dis.No.9010, dated:22-11-1997 had called for explanation of Sri V.Narasimha Swamy, as to why he did not submit the records to the Hon'ble High Court of Andhra Pradesh, in time on receiving the Notice dated:7-6-1994.

2. Sri V.Narasimha Swamy, submitted his explanation on 15-12-1997 admitting that the said notice was received in Record Section of District Court on 20-06-1994 but he forgot to submit the O.P. records to the Hon'ble High Court due to rush of work and it was an accidental one and requested for excuse.

3. Further the District Judge, Karimnagar has stated that Sri V.Narasimha Swamy, had caused abnormal delay of more than 3 years and 5 months in complying with the directions of the Hon'ble High Court of Andhra Pradesh, in submitting the case records and was grossly negligent in discharging his duties, his predecessor on perusing explanation of the individual and having not satisfied with his explanation and as there were grounds for inquiring into the misconduct on his part, has ordered for a regular departmental inquiry vide District Court's Proc.Dis.No.6394, dated:5-9-1998 appointing the II Additional District and Sessions Judge, Karimnagar as the Inquiring Authority to conduct the inquiry in accordance with CCA Rules, 1991 and to submit report on the following charges:-

(1) " That, Sri V.Narasimha Swamy, former Record Keeper of District Court, Karimnagar, while functioning as such from 4-2-1994 to 29-12-1995 received the High Court's Notice dated:7-6-1994 bearing District Court's Inward Sl. No.6297, dated:20-06-1994 calling for the material records in O.P. No.497 of 1990 on the file of the District Court, Karimnagar for reference in C.M.A.No.509/1994 on the file of the High Court in time and caused an inordinate delay of more than 3 years and 5 months and thereby grossly neglected and derelicted his duty in submitting the records to the High Court and failed to comply his duty in submitting the records to the High Court and failed to comply with the direction of the High Court and it is unbecoming on his part as a Government Servant and he is thereby guilty of misconduct and that he is liable for disciplinary action under APCS (CCA) Rules, 1991":

(2) " That, Sri V.Narasimha Swamy, former Record Keeper of District Court, Karimnagar, while functioning as such from 4-2-1994 to 29-12-1995 and during the course of same transaction as mentioned in Charge No.1, caused inconvenience to the Hon'ble High Court at the time of hearing of the case, leading to the adjournments for want of records in not submitting the material records to the High Court which resulted in the abnormal delay in disposing of the appeal by the Hon'ble High Court, and that it is unbecoming on his part as a Government Servant and that he is thereby guilty of misconduct and liable for disciplinary action under APCS (CCA) Rules, 1991".

4. The District & Sessions Judge, Karimnagar, has further submitted that in another departmental enquiry (OR, 81/97), the delinquent has been awarded with punishment of dismissal from service. But in pursuance of the orders dated:15-04-2002 of the Hon'ble Supreme Court of India, New Delhi in Civil Appeal No.2750 of 2002 (arising out of SLP No.12807/01), the punishment of dismissal from service was treated as that of compulsory retirement. On receiving the considering the reply of the delinquent to the Final Show Cause Notice, his predecessor in office, has awarded punishment of stoppage of one increment with cumulative effect in Dist. Court's Proc.Dis.No.2094, dated:1-4-2003. Aggrieved by the said punishment Sri V.Narasimha Swamy, preferred an appeal dated:25-06-2003 to the Registrar (Admn.), High Court of Andhra Pradesh, Hyderabad.

5. The Principal District & Sessions Judge, Karimnagar has also stated that Sri V.Narasimha Swamy, Head Clerk, retired from service on 5-7-2002 and punishment awarded for stoppage one increment with cumulative effect vide District Court's proceedings No.2094, dated:1-4-2003.

6. In the reference 2nd read above, Sri V.Narasimha Swamy, Head Clerk (Retd.), was directed to Show Cause as to why 5% cut in his pension on permanent basis shall not be imposed for misconduct and gross negligence in discharging his duties.

7. In the reference 3rd read above, Sri V.Narasimha Swamy, Head Clerk (Retd.), in his explanation has stated that he has been suffering from the sugar and prostate problems. The pension amount being granted to him is hardly sufficient to him and her wife's medical expenses and their livelihood and requested the Government to consider the facts that he has functioned as Record Keeper only for one year 10 months 25 days from 4-2-1994 to 29-12-95, as such he cannot be held responsible for the whole 3 years 5 months delay.

8. Government after careful examination, hereby impose punishment of 5% cut in pension on permanent basis on Sri V.Narasimha Swamy, Head Clerk (Retd.), District Court, Karimnagar, under Rule 9 of A.P. Revised Pension Rules, 1980.

9. The Registrar General, High Court of Andhra Pradesh, Hyderabad, is requested to take necessary further action in the matter.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

R.RAMACHANDRA REDDY,
SECRETARY TO GOVERNMENT,
LEGISLATIVE AFFAIRS & JUSTICE.

To
The Registrar General, High Court of Andhra Pradesh, Hyderabad.
The District and Sessions Judge, Karimnagar.
Sri V.Narasimha Swamy, High Court, PCR Court, Karimnagar, through
the office of the District Judge-cum-Disciplinary Authority, Karimnagar.

Copy to:

The Accountant General, Andhra Pradesh, Hyderabad.
The Pay and Accounts Office, Andhra Pradesh, Hyderabad.
The District Treasury Office, Andhra Pradesh, Karimnagar.
SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER.